

**Introduced by Senator Florez**February 19, 2003

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An act to add Section 15657.01 to the Welfare and Institutions Code, relating to elder abuse.

## LEGISLATIVE COUNSEL'S DIGEST

SB 343, as introduced, Florez. Elder and dependent adult abuse: civil actions: damages.

Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, among other things, establishes procedures for civil actions for abuse of elderly or dependent adults relating to the award of attorney's fees and costs, and recoverable damages in these actions.

Existing law separately requires that in any action for damages arising out of the professional negligence of a health care provider, a claim for punitive damages may only be included in a complaint or other pleading if the court enters an order allowing an amended pleading, in accordance with specified criteria.

This bill would provide an exception for actions brought under the act from the above provision relating to claims for punitive damages.

The bill would apply this exception retroactively to civil actions pending on January 1, 2004, to the extent permitted by law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 15657.01 is added to the Welfare and
- 2 Institutions Code, to read:



- 1     15657.01. Section 425.13 of the Code of Civil Procedure shall
- 2     not apply to any action brought pursuant to this article.
- 3     SEC. 2. This act shall apply retroactively to civil actions
- 4     pending on January 1, 2004, to the extent permitted by law.

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